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April 28, 2025

BY ECF

Hon. Nusrat J. Choudhury
United States District Court Judge
United States District Court
Eastern District of New York
100 Federal Plaza, Courtroom 1040
Central Islip, New York 11722

Deo et al v. Baron et al
Case No. 2:24-cv-06903 (NJC) (JMW)

(Joint Letter in Opposition to Plaintiffs' Request for a Pre-Motion Conference to File a Motion for Declaratory Judgment)

Dear Judge Choudhury:

We represent defendant Nissan Motor Acceptance Company LLC ("NMAC") in this action. We write, together with Eckert Seamans Cherin & Mellott LLC, attorneys for defendant NextGear Capital, Inc. ("NextGear") to oppose plaintiffs' April 21, 2025 letter (ECF No. 83), requesting a pre-motion conference to file a motion for declaratory judgment.

The request should be denied because the Court is considering whether it retains subject matter jurisdiction, and has previously stated it will first determine the issue of subject matter jurisdiction before addressing other issues or requests for relief in this action (Order dated April 11, 2025). The same rationale applies here. And even setting aside the subject matter jurisdiction issue, plaintiffs' request for what amounts to summary relief at the pleading stage is premature and procedurally improper. The Court has stayed the time for all defendants to respond to the Amended Complaint pending determination of jurisdiction (Order dated March 30, 2025), and issue has not yet been joined. For this reason, too, the Court should deny plaintiffs' request for a pre-motion conference seeking leave to file a motion for declaratory judgment to determine ownership of certain car dealerships.

We thank the Court for its consideration of this matter.

Respectfully submitted,

/s/ Michael E. Sims

Michael E. Sims

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Counsel for Defendant NMAC

/s/ Nicholas M. Gaunce

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Mellott, LLC)

Counsel for Defendant NextGear

cc: All Counsel (by ECF)